

### **REMARKS**

Applicant appreciates the Examiner's thorough consideration provided the present application. Claims 1-17 are now present in the application. Claims 1, 2, 3, 5, 9, 11, 12, 16 and 17 have been amended in this Reply. Claims 1 and 9 are independent. Reconsideration of this application, as amended, is respectfully requested.

### **Drawings**

The Examiner did not indicate whether or not the formal drawings have been accepted. Since no objection has been received, Applicant assumes that the drawings are acceptable and that no further action is necessary. Confirmation thereof in the next Office Action is respectfully requested.

### **Claim Rejections Under 35 U.S.C. §§ 102 & 103**

Claims 1-4, 6, 7 and 9-14 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Naoi et al., U.S. Patent Application Publication No. 2003/0072233 (hereinafter "Naoi"). Claims 5, 8 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Naoi in view of Ogawa, U.S. Patent Publication No. 2003/0161237 (hereinafter "Ogawa"). These rejections are respectfully traversed.

Complete discussions of the Examiner's rejections are set forth in the Office Action, and are not being repeated here.

In light of the foregoing amendments, Applicant respectfully submits that these rejections have been obviated and/or rendered moot. Without conceding to the propriety of the Examiner's

rejections, but merely to timely advance the prosecution of the application, as the Examiner will note, independent claims 1 and 9 have been amended.

Independent claim 1 recites a combination of steps including “performing optimum power calibration on a test area of the optical disc to detect optimum writing power; determining an optimum write strategy; writing information on a data area with the optimum writing power and the optimum write strategy; determining whether or not a running optimal power calibration (ROPC) is necessary, based on a B-level and a RF signal level detected in the writing step; determining whether or not a current writing power is within a predetermined ROPC range set with reference to the detected optimum writing power; and performing a writing operation by increasing the writing power based on power update information when the current writing power is larger than an upper bound of the predetermined ROPC range.”

Independent claim 9 recites a combination of elements including “a performing unit for performing optimum power calibration on a test area of the optical disc to detect optimum writing power; an optimum write strategy determining unit for determining an optimum write strategy; a writing unit for writing information on a data area with the optimum writing power and the optimum write strategy; a running optimal power calibration determining unit for determining whether or not a running optimal power calibration (ROPC) is necessary, based on a B-level and a RF signal level detected in the writing unit; a determining unit for determining, in a writing operation of the writing unit, whether or not a current writing power is within a predetermined ROPC range set with reference to optimum writing power; and a controller for increasing the writing power based on power update information when the current writing power is larger than an upper bound of the predetermined ROPC range.”

Support for the above combinations of steps and elements set forth in claims 1 and 9 can be found in FIGs. 4a and 4b and the corresponding description of the specification. Applicant

respectfully submits that the above combinations of steps and elements set forth in claims 1 and 9 are not disclosed or suggested by the references relied on by the Examiner.

The Examiner alleged that Naoi in step S108 of FIG. 3 discloses the claimed feature of performing a writing operation by increasing the writing power based on power update information when the current writing power is larger than an upper bound of the predetermined allowable range.

In particular, Naoi in paragraph [0074] and [0075] discloses as follows:

At a step S106, if the CPU 24, which always monitors the light intensity of the reflected beam, judges that reduction of the light intensity of the reflected beam is greater than a prescribed value, the CPU 24 goes to a step S108. On the other hand, if the reduction of the light intensity is smaller than the prescribed value, the CPU 24 writes data with the present laser power.

At the step S108, the CPU 24 retrieves the power correction value corresponding to the type of the optical disk 10 from the data table. If the temperature stage judged at the step S102 is the low temperature, the CPU 24 selects the correction value  $\alpha 1$ ; if the temperature stage judged at the step S102 is the ordinary temperature, the CPU 24 selects the correction value  $\alpha 2$ ; if the temperature stage judged at the step S102 is the high temperature, the CPU 24 selects the correction value 603. (Emphasis added).

In other words, Naoi simply discloses adding the power correction value when *the reduction of the light intensity of the reflected beam is greater than a prescribed value*. Naoi nowhere discloses increasing the writing power when the current writing power is larger than *an upper bound of the predetermined running optimal power calibration (ROPC) range*. In fact, although Naoi in FIG. 6 discusses the ROPC manner, Naoi nowhere mentions any upper bound of the ROPC range. Therefore, Naoi fails to teach “performing a writing operation by increasing the writing power based on power update information when the current writing power is larger than *an upper bound of the predetermined ROPC range*” as recited in claim 1, and “a controller for

increasing the writing power based on power update information when the current writing power is larger than *an upper bound of the predetermined ROPC range*” as recited in claim 9.

In addition, Naoi also fails to teach “determining whether or not a running optimal power calibration (ROPC) is necessary, based on a B-level and a RF signal level detected in the writing step” as recited in claim 1 and “a running optimal power calibration determining unit for determining whether or not a running optimal power calibration (ROPC) is necessary, based on a B-level and a RF signal level detected in the writing unit” as recited in claim 9.

With regard to the Examiner’s reliance on Ogawa, this reference has only been relied on for its teachings related to some dependent claims. This reference also fails to disclose the above combinations of steps and elements as set forth in independent claims 1 and 9. Accordingly, this reference fails to cure the deficiencies of Naoi.

Accordingly, neither Naoi nor Ogawa individually or in combination teaches or suggests the above-noted features of independent claims 1 and 9. Therefore, Applicant respectfully submits that independent claims 1 and 9 and their dependent claims (at least due to their dependency) clearly define over the teachings of Naoi and Ogawa. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §§ 102 and 103 are respectfully requested.

#### **Additional Cited References**

Since the remaining patents cited by the Examiner have not been utilized to reject the claims, but rather to merely show the state of the art, no further comments are necessary with respect thereto.

### CONCLUSION

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently pending rejections and that they be withdrawn.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

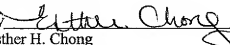
In the event there are any matters remaining in this application, the Examiner is invited to contact the undersigned at (703) 205-8000 in the Washington, D.C. area.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant respectfully petitions for a one (1) month extension of time for filing a response in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: December 18, 2007

Respectfully submitted,

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